

#8

ENSEMB.038A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Arviv et al. ) Group Art Unit 2681  
Appl. No. : 09/938,216 )  
Filed : August 24, 2001 )  
For : ASYMMETRIC ADAPTIVE )  
MODULATION IN A )  
WIRELESS )  
COMMUNICATION SYSTEM )  
Examiner : Unassigned )

FAX RECEIVED

SEP 04 2002

PETITIONS OFFICE

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Applicants hereby request reconsideration of the decision refusing status under CFR 1.47(a) mailed May 6, 2002.

After receiving the decision refusing status, applicant made additional attempts to contact the non-signing inventor. Those attempts were successful and a copy of the declaration signed by Penny Efraim is enclosed herewith. Ms. Efraim also supplied her full address and citizenship on the declaration.

The declaration that was submitted was also indicated as not being acceptable in view of an alteration to the address of David Gazelle which was initialed but not dated. A copy of the declaration by Mr. Gazelle with the corrections both initialed and dated by Mr. Gazelle is enclosed herewith.

In view of the foregoing, Applicants respectfully submit that all of the matters raised in the decision refusing status have been addressed.

If any issues remain, Applicants request that the petition attorney contact the undersigned so they may be resolved expeditiously.

09/17/2002 AKELLEY 00000006 111410 09938216

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400.00 CH

Appl. No. : 09/938,216  
Filed : August 24, 2001

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/4/02

By: 

Richard E. Campbell  
Registration No. 34,790  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

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**DECLARATION - USA PATENT APPLICATION**

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SEP 04 2002

PETITIONS OFFICE

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **ASYMMETRIC ADAPTIVE MODULATION IN A WIRELESS COMMUNICATION SYSTEM**; the specification of which was filed on August 24, 2001 as Application Serial No. 09/938,216.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of first inventor: Eli Arviv

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: 25/4 Emek Ayalon Street, Modiein, 71700 Israel

Citizenship: Israel

Post Office Address: 25/4 Emek Ayalon Street, Modiein, 71700 Israel

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Attorney's Docket No. ENSEMB.038A

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Full name of second inventor: **Brian Spinar**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: 10685 Wexford Street #7, San Diego, CA 92131

Citizenship: USA

Post Office Address: 10685 Wexford Street #7, San Diego, CA 92131

Full name of third inventor: **Kenneth L. Stanwood**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: 2403 Montgomery Ave., Cardiff by the Sea, CA 92007

Citizenship: USA

Post Office Address: 2403 Montgomery Ave., Cardiff by the Sea, CA 92007

Full name of fourth inventor: **David Gazelle**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: 8584 Villa La Jolla Drive #332, Box 234, La Jolla, CA 92037

Citizenship: Israel

Post Office Address: 8584 Villa La Jolla Drive #332, Box 234, La Jolla, CA 92037

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Attorney's Docket No. ENSEMB.038A

Full name of fifth inventor: Ofer Zimmerman

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: Helmonit st 6/2, Modiin Israel 71700, Israel

Citizenship: Israel

Post Office Address: Helmonit st 6/2, Modiin Israel 71700, Israel

Full name of sixth inventor: Penny Efrain

Inventor's signature Penny EfrainDate 19/08/02Residence: Moshav Nevatim 59Citizenship: ISRAELPost Office Address: MOSHAV NEVATIM 59, ZIP: 85540, ISRAEL

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

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Attorney's Docket No. ENSEMB.038A

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **ASYMMETRIC ADAPTIVE MODULATION IN A WIRELESS COMMUNICATION SYSTEM**; the specification of which was filed on August 24, 2001 as Application Serial No. 09/938,216.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of first inventor: Eli Arviv

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: 25/4 Emek Ayalon Street, Modiein, 71700 Israel

Citizenship: Israel

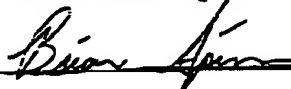
Post Office Address: 25/4 Emek Ayalon Street, Modiein, 71700 Israel

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Attorney's Docket No. ENSEMB.038A

Full name of second inventor: Brian Spinar

Inventor's signature



Date

25 Oct 01

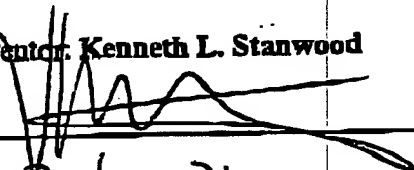
Residence: 10685 Wexford Street #7, San Diego, CA 92131

Citizenship: USA

Post Office Address: 10685 Wexford Street #7, San Diego, CA 92131

Full name of third inventor: Kenneth L. Stanwood

Inventor's signature



Date

25 Oct 01

Residence: 2403 Montgomery Ave., Cardiff by the Sea, CA 92007

Citizenship: USA

Post Office Address: 2403 Montgomery Ave., Cardiff by the Sea, CA 92007

Full name of fourth inventor: David Gazelle

Inventor's signature



Date

25 Oct 01

Residence: ~~8584 Villa La Jolla Drive #332, Box 234, La Jolla, CA 92037~~  
5215 Fiore Terrace, San Diego, CA 92122, USA

Citizenship: Israel

Post Office Address: ~~8584 Villa La Jolla Drive #332, Box 234, La Jolla, CA 92037~~  
5215 Fiore Terrace, San Diego, CA 92122, USA

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Attorney's Docket No. ENSEMB.038A

Full name of fifth inventor: Ofer Zimmerman

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: Helmonit st 6/2, Modiin Israel 71700, Israel

Citizenship: Israel

Post Office Address: Helmonit st 6/2, Modiin Israel 71700, Israel

Full name of sixth inventor: Pwenny Efraim

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995